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Report of the Secretary-General on children and armed conflict in Colombia (September 2011-June 2016)

Summary

The present report was prepared pursuant to Security Council resolution 1612 (2005) and subsequent resolutions. It is the third report of the Secretary-General to the Security Council on children and armed conflict in Colombia and covers the period from September 2011 to June 2016. The report provides information on the six grave violations against children, the parties to conflict responsible for such violations are identified and progress made with regard to the protection of children affected by armed conflict is described.

The reporting period was marked by the start of a historic peace process between the Government of Colombia and the Fuerzas Armadas Revolucionarias de Colombia — Ejército del Pueblo (FARC-EP) in 2012, which contributed to a decline in the conflict intensity and an overall decrease in the number of violations against children, in particular towards the end of the reporting period. Most notably, the Government and FARC-EP signed an agreement in May 2016, setting out the way forward for the separation of children under 15 as a first step, and for a special programme for the restoration of rights, reintegration and reparation for all separated children under 18. In addition, in March 2016, the Government and a second armed group, the Ejército de Liberación Nacional (ELN), took another important step by announcing an agreement to begin peace talks. While these landmark events reinforced the hope of ending conflict, activities carried out by post-demobilization armed groups continued to compromise the protection of children.

Throughout the reporting period, efforts were made by the Government of Colombia to strengthen the framework for ending, preventing and responding to violations against children. It is highlighted in the report that there is a need to prioritize the implementation of commitments, as well as existing laws and policies, in order to translate them into concrete positive outcomes for all children across the country. In this regard, the report contains a series of recommendations addressed to all parties to better protect children and reinforce guarantees of non-repetition in the post-conflict phase.

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I. Introduction

1. The present report, which covers the period from September 2011 to June 2016, is submitted pursuant to Security Council resolution 1612 (2005) and subsequent resolutions. It is my third report on the situation of children and armed conflict in Colombia and complements my two previous reports (S/2009/434 and S/2012/171). The report highlights trends and patterns of violations committed against children in the context of the armed conflict in Colombia as well as progress made in ending and preventing such violations, in line with the conclusions and recommendations adopted by the Working Group of the Security Council on Children and Armed Conflict in 2010 and 2012 (see S/AC.51/2010/3 and S/AC.51/2012/4).

2. The situation in Colombia was brought to the attention of the Security Council in 2003 under Article 99 of the Charter of the United Nations in view of the impact of armed conflict on children. The Fuerzas Armadas Revolucionarias de Colombia — Ejército del Pueblo (FARC-EP), the Ejército de Liberación Nacional (ELN) and the paramilitary group Autodefensas Unidas de Colombia (AUC)[1] were listed in 2003 for the recruitment and use of children for the first time in annex II of my annual report on children and armed conflict (A/58/546-S/2003/1053). In my most recent annual report (A/70/836-S/2016/360), ELN and FARC-EP were again listed for the recruitment and use of children.

3. The information presented herein was gathered, documented and verified by the country task force on monitoring and reporting in Colombia established pursuant to Security Council resolution 1612 (2005).

II. Overview of political and security developments

4. The reporting period was marked by an overall decline in conflict intensity[2] and by the start of historic peace talks between the Government of Colombia and FARC-EP in 2012 as well as the announcement of talks with ELN in 2016.

5. The peace talks between the Government of the President of Colombia, Juan Manuel Santos, and FARC-EP were launched in August 2012, with the support of Cuba and Norway as guarantors, and of Chile and Venezuela as accompanying countries. Despite sporadic crises that led to the temporary suspension of the talks on several occasions, the peace process with FARC-EP advanced significantly, particularly in the past two years. It included the adoption of partial agreements on rural development, political participation, eradication of illegal drug crops, key issues of victims and transitional justice as well as on end-of-conflict issues,

[1] AUC were delisted following their demobilization in 2005-2006. However, successor groups called post-demobilization groups emerged, sometimes led by former mid-level AUC leaders and composed of former paramilitary members. These groups employed similar techniques to those of AUC but differed in their levels of command and control structure.

[2] During the reporting period, the United Nations recorded an overall decrease in the number of armed actions and attacks against civilians. "Armed actions" are attacks on military facilities, blockade of roads and highways, illegal checkpoints, combats, ambush, crossfire, armed harassments and other armed attacks. "Attacks against civilians" include threats, attacks to civilians, forced disappearance, killing and maiming of civilians in armed actions, massacres, recruitment of children, kidnapping, sexual violence and torture.

including ceasefire and cessation of hostilities and the laying down of arms. In 2014, a subcommission on gender was established to review the agreements and ensure the inclusion of a gender perspective as a cross-cutting issue throughout the process.

6. In June 2014, President Santos was re-elected for a second four-year term, giving him a mandate to continue the peace process with FARC-EP. Nevertheless, the presidential campaign revealed strong polarization of society and scepticism about the peace process. To support the efforts towards peace, the United Nations in Colombia developed an awareness-raising campaign to promote a culture of peace, "Respira paz" ("Breathe peace").

7. In another key political development in March 2016, the Government of Colombia and ELN announced an agreement to commence peace talks. The beginning of these talks, together with those nearing completion with FARC-EP, reinforced hopes of ending 52 years of conflict and achieving sustainable peace in Colombia.

8. Grave violations against children continued, often as a consequence of intermittent fighting between parties to conflict, as well as activities carried out by post-demobilization armed groups and other local armed groups related to the control of territory for drug trafficking, extortion, illegal mining, prostitution and human trafficking. Following the process of demobilization of paramilitary organizations carried out between 2003 and 2006, new armed groups composed of their former members were formed, affecting large portions of territory. As of mid-2016, the five main post-demobilization groups responsible for a large number of violations were: (a) Los Urabeños or Autodefensas Gaitanistas de Colombia (also referred to as Clan Úsuga); (b) Los Rastrojos; (c) Águilas Negras; (d) Los Paisas; and (e) El Ejército Revolucionario Popular Antiterrorista Colombiano (ERPAC).[3] ERPAC partially demobilized, leaving a remnant armed group called Libertadores del Vichada. Over the years, their structures have evolved to nullify strategies by the State to counter them, and the groups have built alliances with other armed groups or fought each other for territory. On 22 April 2016, the Ministry of Defence issued a directive authorizing military operations against post-demobilization groups reclassified as organized armed groups.

9. The protracted conflict triggered challenges to the effective implementation of State policies and equitable development in conflict-affected and isolated regions of Colombia.[4] Children of Afro-Colombian and indigenous origin living in rural areas were the most affected by the armed conflict. The complex humanitarian situation contributed to large-scale internal displacement throughout the reporting period,

[3] See internal document produced by the Early Warning System of the Office of the Ombudsman, 2013. "*Defensoría del pueblo: Defensoría Delegada para la prevención de riesgo de violaciones a los derechos humanos y derecho internacional humanitario — sistema de alertas tempranas*".

[4] In his 2014 report on the situation of human rights in Colombia, the United Nations High Commissioner for Human Rights noted that "State presence is unequal in different geographic areas and social strata, affecting the enjoyment of all human rights." "Basic access to health care and education are recognized rights under Colombian law, yet their distribution is skewed in favour of prosperous areas, when in fact those services are necessary to break down existing inequalities." "Until these inequalities are addressed, human rights challenges will continue to plague Colombia" (see A/HRC/28/3/Add.3, paras. 15, 16 and 17).

although the peace negotiations between the Government and FARC-EP significantly improved the situation and helped reduce the number of displaced children by 40 per cent between 2013 and 2015. In addition, the unilateral ceasefire by FARC-EP, announced in July 2015, and subsequent de-escalation measures implemented by the parties, contributed to reducing the impact of violence on civilians, as well as displacement. Since mid-2015, the United Nations has not recorded any displacement in relation to hostilities by FARC-EP. Notwithstanding that progress, as of December 2015 there were still 5.8 million internally displaced persons, of whom approximately 45 per cent were children. Finding durable solutions for them will be key to reconciliation and integration efforts.

10. The Government of Colombia has put in place an ambitious legal and institutional framework aimed at providing assistance and reparations to over 7 million victims of the armed conflict, of whom one in three is a child. Progress was made in the registration system for victims, the delivery of financial compensation and the right of victims to participate, which reflects the State's efforts through the Victim Assistance and Comprehensive Reparation Unit (Unidad para las Víctima — UARIV), created in 2012. The adoption of Law 1448 (2011) on victim and land restitution, the signing of which I witnessed on 13 June 2011,[5] was of particular importance as it includes special provisions for child victims. Other legislative developments such as Law 1719 (2014) on access to justice for victims of sexual violence, in particular in the context of the armed conflict,[6] were adopted. With a view to improving the protection of populations displaced by the conflict, the Constitutional Court also issued ruling 119 of June 2013, allowing those forcibly displaced by violence, including by post-demobilization armed groups, to be included in the National Victims Register. As at 1 July 2016, UARIV had registered 283,251 victims, who became eligible for emergency assistance and reparations further to this ruling.

11. Political dialogue also led to important progress in relation to the recognition of the victims of armed conflict and their inclusion in the Government-FARC-EP talks in Havana. With the support of the United Nations in Colombia, five delegations of victims travelled to Havana in 2014, including two victims recruited by armed groups when they were 13 years of age, and one woman who was sexually abused by paramilitaries when she was 16. On these occasions, both the Government of Colombia and FARC-EP recognized the impact of the armed conflict on the civilian population, offering an opportunity to begin a peacebuilding and reconciliation process.

12. On 4 June 2015, the two parties announced that they had agreed on the establishment of a truth, coexistence and non-repetition commission. Shortly thereafter, on 23 September, President Santos and the FARC-EP leader, Rodrigo Londoño Echeverri, alias "Timochenko", publicly presented the main elements of an agreement on transitional justice that were subsequently developed and included in a comprehensive agreement on truth, justice, reparation and non-repetition for the victims of the conflict, reached on 15 December 2015.

[5] Statement by the Secretary-General, "Secretary-General, at signing of Colombia's Victims' Rights and Land Restitution Bill, says 'real transforming effect on the ground must accompany new law'", available from www.un.org/press/en/2011/sgsm13634.doc.htm.

[6] See www.secretariasenado.gov.co/senado/basedoc/ley_1719_2014.html.

13. The most significant development regarding the protection of children came in May 2016 in Havana when the Government of Colombia and FARC-EP announced an agreement on the separation of children under 15 years of age from FARC-EP, on the parties' commitment to develop a road map for the separation of all children as well as on a special comprehensive reintegration programme for these children.

14. The unilateral ceasefire announced by FARC-EP and the Government's announcement in July 2015 that it would suspend airstrikes were generally observed by the parties. This contributed to a decrease in the intensity of the conflict and the alleviation of suffering of children in the last year of the reporting period. On 19 January 2016, the parties jointly requested the involvement of the United Nations, to monitor and verify the laying down of arms as well as the ceasefire and cessation of hostilities as part of a tripartite mechanism (see S/2016/53). This request was unanimously endorsed by the Security Council in its resolution 2261 (2016) on 25 January. On 23 June, I witnessed the signing of groundbreaking agreements on the bilateral and final ceasefire, the end of the hostilities and the laying down of arms, security guarantees[7] and an agreement on ratification. The United Nations special political mission will serve as the international component of the mechanism for monitoring and verification of the agreement on ceasefire, cessation of hostilities and laying down of arms. As the international component, the Mission will verify and report on the compliance with parties' commitments to end military confrontation and refrain from violations against the population in the areas of observation. The Mission will also be responsible for the verification of the laying down of arms.

15. On 24 August, the parties announced that they had concluded their negotiations and reached a final peace agreement, which was signed in Cartagena on 26 September, a ceremony in which I participated. Point 3 of the final peace agreement on the "end of conflict" emphasized that children associated with FARC-EP would be released and would benefit from special care and protection. In addition, point 6 on the implementation of the agreements included a provision to guarantee the best interest of children, as well as the primacy of their rights.

III. Grave violations against children

16. The United Nations recorded 2,078 armed actions between November 2012 and December 2015. A downward trend was observed across the reporting period: 945 armed actions were recorded in 2012, while in 2015, the number of armed actions (533) decreased by 28 per cent as compared with 2013 and by 21 per cent as compared with 2014. The geographical scope of the conflict also reduced, with 29 out of 32 local government administered areas, or departments, affected in 2012

[7] Agreement on security guarantees and the fight against criminal organizations responsible for homicides and massacres or those who target human rights advocates, social or political movements, including the criminal organizations labelled as successors of paramilitarism and their support networks, and the prosecution of criminal acts that threaten the implementation of the agreements and the construction of peace (see joint communiqué #76, available from www.mesadeconversaciones.com.co/sites/default/files/comunicado-conjunto-76-version-ingles-1467304952.pdf, p. 6).

compared with 20 departments affected during the second half of 2015.[8] In this context, grave violations were perpetrated against children, although a significant decrease was recorded in the latter part of the reporting period, in particular with regard to the number of children killed or maimed.

A. Recruitment and use of children

17. Data received by the United Nations indicates that recruitment and use of children was a violation repeatedly reported in Colombia. There was, however, a progressive annual reduction in verified cases. In February 2015, FARC-EP committed to end the recruitment of children under 17, and raised this minimum age to 18 in November 2015 during the visit of my Special Representative to Havana. As mentioned above, in an important development in May 2016, the Government of Colombia and FARC-EP announced an agreement on the separation and reintegration of children.

18. Documenting cases remained difficult owing to lack of access to armed groups for monitoring purposes, with the majority of cases verified following the separation of children after recovery by the Colombian Armed Forces, or their release to humanitarian organizations or protection institutions. A total of 1,556 cases of recruitment and use of children were verified by the United Nations in 29 departments of the country, with some as young as eight years old. Over the past five years, 30 per cent of the children registered and separated from armed groups were girls and the average age of recruitment for girls (13.4 years of age) is lower than that for boys (14.1 years of age).

19. Most verified cases were attributed to FARC-EP. Recruitment by FARC-EP and other groups such as ELN mainly affected indigenous and Afro-Colombian communities in rural areas, while post-demobilization groups and other local armed groups frequently recruited and used children in marginalized urban areas and in strategic rural zones to take control of drug and weapon trafficking. Children associated with armed groups were reportedly lured into joining the groups through promises of food, money, protection or other support and benefits for their families. It was highlighted in the December 2014 report of the Office of the Ombudsman on recruitment of children that those from indigenous and Afro-Colombian communities lived in situations of extreme vulnerability and continued to be highly exposed to conflict-related abuses. In March 2014, indigenous authorities in Panama also reported cross-border recruitment of children by FARC-EP.

20. In some instances, children recruited by armed groups were forced to commit serious crimes. For example, a child who had been recruited by FARC-EP in Antioquia at the age of 12 told the Office of the Ombudsman in 2013 that he had been forced to kill and torture several of his friends.[9] The recruitment and use of

[8] Data from the Office for the Coordination of Humanitarian Affairs, Colombia, 1 November 2012-31 December 2015 (Tendencias humanitarias y paz — Colombia, noviembre 2012-diciembre 2015), available from www.humanitarianresponse.info/es/system/files/documents/files/160503_tendencias_humanitarias_2016_vff.pdf.

[9] See report of the Office of the Ombudsman of March 2014 ("Informe trabajo de campo Antioquia, 2013"), Child recruitment prevention — analysis of the public policy with an ethnic focus, p. 29.

children to commit serious crimes in their own communities created additional reintegration challenges.

21. An increasing number of cases of recruitment and use by the five main post-demobilization groups and other local armed groups, such as La Empresa and Los Machos, were reported. According to the Early Warning System of the Office of the Ombudsman, these groups were present in approximately half of the departments and were responsible for grave violations against children in cities such as Buenaventura, Cúcuta, Medellín and Tumaco in 2015. In the first half of 2016, risks of recruitment by these groups continued to be observed in Bolívar, Chocó, Meta, Guaviare and Córdoba, as well as in Norte de Santander. Threats and attempts at recruitment were reported in Bolívar, Risaralda, Casanare, Amazonas and Guaviare, with 7 incidents in the first half of 2016, compared with 18 in the second half of 2015.

22. Along with other grave violations, the recruitment and use of children continued to be a contributing factor in displacement throughout the reporting period as families fled to protect their children. In this regard, between September 2011 and June 2016, the Early Warning System of the Office of the Ombudsman[10] issued at least 105 alerts on the risk of recruitment in 30 departments, with a peak of 46 alerts in 2013. This dropped to 18 alerts in 2014 and 2015.

23. Another concern is the use of children for intelligence-gathering purposes by the Colombian armed forces. Law 1098 (2006) on Childhood and Adolescence, in article 41, paragraph 29, states that the armed forces must abstain from using children in military activities, psychological operations, civil-military campaigns and similar activities. Article 176 of the same law explicitly prohibits interviews with and the use of children formerly associated with armed groups in intelligence activities by security forces. The national Criminal Code and directives of the Ministry of National Defence (D.15/2007; D.30743/2007; D.048/2008; D.7169/2008) also prohibit this practice. However, in March 2015, during the "Toma Masiva de Urabá" military operation in Antioquia, members of the Colombian Armed Forces allegedly offered money to children to obtain information on the presence of a commander of a non-State armed group. In May 2014, FARC-EP announced that they had released three girls allegedly recruited by the Colombian Armed Forces who had infiltrated their ranks as spies. In a similar case in February 2015, in Valle del Cauca, FARC-EP also handed over to the International Committee of the Red Cross (ICRC) two indigenous children who had allegedly infiltrated their ranks on behalf of the Colombian Armed Forces.

24. During the reporting period, at least 22 civilian-military activities were also reported in communities, including inside schools. In areas where armed actors are present, these social, development, cultural and/or sporting activities carried out by the Colombian Armed Forces put children at risk of retaliation solely for interacting with them. In addition, although the Intersectoral Commission for the prevention of

[10] The Early Warning System of the Office of the Ombudsman in Colombia was designed to prevent grave and systematic violations of human rights and international humanitarian law. Its main purpose is to prevent grave violations through analysis of the conflict at the local and regional levels, anticipation of threats, alerts and recommendations to relevant authorities and implementation of protective measures.

recruitment and use of children by non-State armed groups is the entity in charge of coordinating prevention efforts, campaigns carried out by the Ministry of Defence to prevent recruitment by armed groups raised concerns over the risks of the use of children for intelligence gathering. In its concluding observations of 6 March 2015 (CRC/C/COL/CO/4-5), the Committee on the Rights of the Child urged Colombia to "enforce the existing institutional directives aimed at protecting children's rights, particularly the directives ordering the suspension of all civilian-military activities involving children, which should include those conducted by the police, and prohibiting the use of children for military intelligence gathering".

B. Killing and maiming of children

25. Children in Colombia continued to be killed and maimed as a result of armed actions in crossfire, combat, indiscriminate attacks and by landmines and unexploded ordnance. Between September 2011 and June 2016, the United Nations verified 117 cases of children killed and 147 cases of children injured. National figures for the period January 2012 to June 2016 are significantly higher because the 4,523 children registered by the Victim Assistance and Comprehensive Reparation Unit (UARIV) include relatives of victims of homicides, considered as indirect victims of the conflict. UARIV also registered 68 cases of children who were victims of torture and other ill treatment during the same period.

26. In the early part of the reporting period, children were often killed or wounded in indiscriminate attacks or in combat. For example, in 2012, 37 FARC-EP members, including eight children aged between 14 and 16 years of age, were killed in an attack by the Colombian Armed Forces on their camp in Meta. In a similar instance in 2012, five children associated with ELN were seriously injured during an operation in Bolivar. In 2013, young children were seriously injured or killed in bomb attacks by FARC-EP and ELN targeting local police. Children were also killed and maimed in crossfire. For example, in Valle del Cauca, in February 2012, a four-year-old boy died in crossfire between FARC-EP and the police. In August 2013, in Putumayo, one boy aged 14 was killed in crossfire between FARC-EP and the Colombian Armed Forces.

27. In the second half of the reporting period, there was a significant reduction in child casualties. The primary cause of child casualties during this period was landmines. Although the use of landmines is prohibited, armed groups have used them and Colombia has the second largest number of child victims of landmines in the world. National figures from the Directorate for Comprehensive Action against Antipersonnel Mines (Dirección para la Acción Integral contra Minas Antipersonal) indicated that at least 188 children (136 boys, 52 girls) had been maimed and 41 (35 boys, 6 girls) killed by antipersonnel mines and unexploded ordnance between September 2011 and December 2015. While many accidents go unreported, there was a significant decrease in the total number of documented civilian victims of antipersonnel mines and unexploded ordnance from 2012, in particular as a result of demining and mine awareness education campaigns. In 2014-2015, authorities registered a 66 per cent reduction in the number of incidents as compared with 2012-2013. However, the proportion of children killed or injured

in those incidents increased from 30 per cent of all civilian victims in 2013 to 45 per cent in 2015.

28. Ongoing verified cases of children killed or maimed by antipersonnel mines and unexploded ordnance near or within schools were a particular concern. For example, in February 2013, a 17-year-old girl died and two others aged 15 and 17 were injured as a result of a landmine explosion near their school in Antioquia. In May 2014, two children were wounded by an explosive device that they had found near their school in Putumayo. In November 2015, a 15-year-old girl was wounded by a landmine detonation outside her school in Antioquia.

29. Targeted killing and maiming of children by post-demobilization armed groups was recorded. In April 2012, eight girls between 14 and 15 years old were attacked in Nariño by Los Rastrojos, who accused them of being friends with the United States armed forces deployed in the country. One of the girls died, another was wounded and the six others were forcibly displaced. In March 2015, a 15-year-old girl who had been sexually exploited by Las Autodefensas Gaitanistas de Colombia was murdered by the group in Antioquia as the Colombian Armed Forces attempted an operation to rescue her. Also in Antioquia, in August 2015, a 16-year-old boy who participated in a "civic police" programme run by the national police was executed by Las Autodefensas Gaitanistas de Colombia.

30. According to information from the Office of the Attorney General, extrajudicial executions by the Colombian Armed Forces, including those committed against children, decreased significantly, from 43 cases in 2007 to 1 in 2012. A case was also reported by the United Nations in 2014, when a 17-year-old girl was allegedly executed by the Colombian Armed Forces during a military operation against FARC-EP in Antioquia. At the time of writing, an investigation by the Office of the Attorney in Tierralta, Cordoba, was ongoing.

C. Rape and other forms of sexual violence against children

31. The armed conflict has put children at increased risk of sexual violence and, as in other contexts of armed conflict, sexual violence against children remains significantly underreported. Given the constraints for victims regarding reporting violations and access to services, during the reporting period, the United Nations was able to verify only 23 cases of children who were victims of sexual violence, by Colombian Armed Forces (8), Autodefensas Gaitanistas de Colombia (6), FARC-EP (4), ELN (1), Aguilas Negras (1) and by non-identified armed group (3).

32. Girls associated with armed groups were particularly vulnerable. For example, in April 2013, a girl aged 13 was sexually abused by a FARC-EP leader in Putumayo, which resulted in her becoming pregnant. In April 2014, three persons were allegedly in detention in Bolivar on charges of selling girls to armed groups, including ELN, for sexual purposes. Sexual violence against children by post-demobilization and local armed groups continued in territories where they are present. These groups also used sexual violence or threats of sexual violence against children of human rights defenders or community leaders as a method of intimidation and control.

33. In addition, cases of sexual exploitation of girls as young as 12 years old by post-demobilization groups were documented in each year of the reporting period,

in particular in gold-mining areas controlled by armed groups, as highlighted in my latest reports to the Security Council on conflict-related sexual violence (S/2015/203 and S/2016/361).

34. Cases of sexual violence by members of the Colombian Armed Forces and the police were also reported, in particular during 2012. Since late 2015, progress has been made in the fight against impunity. For example, a member of the Colombian Armed Forces was arrested for raping a 12-year-old girl in Meta in 2012 and another was sentenced to 14 years' imprisonment for raping a 14-year-old girl in 2012 in Cundinamarca. Ministry of Defence Directive No. 11 (2010) regarding prevention of sexual violence has also been reviewed to ensure compliance with the "zero tolerance" policy against sexual violence in the armed forces.

D. Attacks on schools and hospitals

35. Attacks on schools and hospitals by armed groups and Colombian Armed Forces were verified in several departments of the country, mostly in rural areas, with a downward trend throughout the reporting period. Despite specific provisions of the Colombian Penal Code that criminalize attacks on and use of civilian objects, including educational institutions, there is a lack of accountability for violations.

36. During the reporting period, schools were damaged in crossfire, bombing, and incidents involving landmines and explosive remnants of war. In many cases, explosive devices were placed near schools or within school facilities, because of their proximity with targets such as police stations and military bases, or because of the military use of the school facilities by armed forces or armed groups. In January 2013, a bomb was detonated in a boarding school in Caquetá; children were not present at the time of the incident because FARC-EP had informed the community before the explosion. In some cases, the explosive devices were deactivated by the Colombian Armed Forces, such as in Cauca in February and November 2014, in Caquetá in April 2015, in Meta in October 2015 or in Tolima in February 2016. In other cases, explosions or crossfire resulted in damage or destruction of the schools. For example, in June 2012, more than 700 students in Nariño had their classes interrupted because their school was destroyed in an attack by FARC-EP against a police station located nearby. In August 2014, a school was also damaged in a grenade attack by FARC-EP against a police station in Nariño. In February 2016, a school in Antioquia was caught in crossfire between FARC-EP and ELN and terrified children sought refuge under their desks.

37. Additionally, there were 54 allegations of teachers being killed (13) or threatened (41), mostly by post-demobilization armed groups. In some cases, teachers were reportedly threatened or killed because of their involvement in activities to prevent drug trafficking or child recruitment. Threats to medical personnel and restrictions on the delivery of health services were also reported. During the period January 2011 to July 2016, ICRC documented at least 985 cases of obstruction to health-care activities, such as threats and attacks against health personnel, facilities or medical transportation.

38. The military use of a school by an armed force or group can compromise its civilian status and increase its vulnerability to attacks by opposing parties. The

presence of military or other armed persons also leads to an increased risk of recruitment and use and sexual violence by armed actors operating inside or around schools. It can also increase student drop-out rates and decrease attendance as parents fear sending children to school. Although Colombia is one of a small number of countries in the world to have explicit restrictions on the use of educational buildings by armed forces, cases of military use of schools by the Colombian Armed Forces were verified during the reporting period, with the most recent case reported in October 2015. In February 2013 in Putumayo, the Colombian Armed Forces used a school as a military base for several days. As a consequence, some parents reportedly stopped sending their children to the school. In February 2015, another school in Cauca was used by the Colombian Armed Forces during combat. Armed groups also used schools to store weapons. In March 2015, the Colombian Armed Forces deactivated several explosive devices stored in a school by FARC-EP in Putumayo. In some other cases, schools used by armed groups were damaged during confrontations with the Colombian Armed Forces. For example, in April 2013, a school used by FARC-EP as shelter was damaged during crossfire with the Colombian Armed Forces in Arauca. In remote areas, this is particularly problematic as it can take months or years for a community to rebuild destroyed schools.

E. Abductions

39. During the reporting period, the country task force on monitoring and reporting documented six cases of abduction of children and was able to verify three of them. For example, in May 2012, a 14-year-old boy was abducted and later killed by FARC-EP. In August 2014, in Antioquia, ELN abducted a 13-year-old girl and her father; the girl was released hours later. According to UARIV, between January 2012 and December 2015, 77 children (36 girls and 41 boys) were registered as conflict-related victims of abduction. Despite the low numbers of verified instances of child abduction, recently separated members of armed groups have given accounts of their abduction as children and noted that their families did not report incidents owing to fear of reprisal.

40. On 17 October 2015, the delegations of FARC-EP and of the Government to the peace talks reached an agreement on missing persons, including "immediate humanitarian measures for the search, location, identification and dignified return of the remains of persons given to be disappeared" by the armed conflict. In this process, it is also important that cases in which children were involved are prioritized.

F. Denial of humanitarian access

41. Confinement and restrictions on mobility imposed by armed groups had a significant humanitarian impact on children. In July 2014, for example, Los Urabeños confined more than 3,200 people in the Bolívar department for several weeks by implementing strict movement controls, including restrictions on humanitarian organizations and State assistance providers.

42. FARC-EP and ELN also prohibited the free circulation of goods and persons, which resulted in various municipalities lacking access to humanitarian assistance and basic services. For example, in February 2013, FARC-EP forbade all transportation (persons and goods) for one week in at least four municipalities in Chocó. In February 2014, in Cauca, a humanitarian mission was shot at by unidentified armed men and three members of the mission were wounded.

IV. Follow-up to the Secretary-General's recommendations and programmatic response

A. Response and follow-up to conclusions

43. Strengthening the response to violations against children and prevention policies will be important for sustainable peace in Colombia. Over the reporting period, actions were taken to reinforce institutional coordination to prevent and respond to recruitment and use of children, prevent incidents involving antipersonnel mines and unexploded ordnance, and address the consequences of forced displacement and sexual violence in conflict. While significant improvements have resulted from these efforts, application has not been consistent in all parts of the country and implementation gaps persist, mainly in rural and isolated areas.

Recruitment prevention

44. The Government has developed a public policy framework for the prevention of child recruitment by armed groups. In July 2010, the Government initiated the implementation of CONPES 3673,[11] detailing the State strategy for preventing child recruitment and use by armed groups and providing guidance for the allocation and distribution of public resources for prevention programmes from 2010 to 2014.

45. In the light of the finalization of the implementation of CONPES 3673 and of the March 2015 evaluation thereof, further efforts are required to ensure effective coordination and follow-up between national and local levels, and adequate follow-up is needed to ensure that policy objectives are fully met. In addition, the implementation of road maps and prevention plans faced financial and security challenges, undermining the effectiveness of local response to child recruitment. In the context of the adoption of the National Development Plan 2014-2018, "Todos por un nuevo país" (All for a new country) (Law 1753 of 2015), I welcome the inclusion under article 123 of provisions for follow-up to the prevention policy with a focus on tailored approaches to indigenous, Afro-Colombian, Raizal, Palenqueras and Rrom populations. In this regard, I encourage adequate allocation of resources to ensure effective prevention of recruitment and use, as well as sexual violence, by armed groups and post-demobilization groups in Colombia.

[11] Consejo Nacional de Política Económica y Social (CONPES), Departamento Nacional de Planeación, *Política de prevención del reclutamiento y utilización de niños, niñas, adolescentes por parte de los grupos armados organizados al margen de la ley y de los grupos delictivos organizados*.

46. Under the leadership of the Presidential Office for Human Rights, the Intersectoral Commission for the prevention of recruitment and use of children by non-State armed groups, comprising 22 State entities, provided technical support to design local policies, road maps and plans to prevent recruitment and use, promote safe spaces for children, train local civil servants and disseminate information to communities on prevention services. Following the agreement on children signed in May 2016, the Presidential Office for Human Rights and the Office of the Ombudsman took a proactive role in coordinating the work of a technical committee, together with the United Nations Children's Fund (UNICEF), the International Organization for Migration, ICRC and three civil society organizations (Anzorc, Conpaz and Coalico). As requested by the Government of Colombia and FARC-EP in their joint communiqué #70 on minors, the committee submitted to the parties a protocol for the separation of children under 15 from FARC-EP as well as a special programme for care and reintegration of all children under 18. The protocol was adopted on 6 September as indicated in joint communiqué #97, protocol for minors leaving the FARC-EP camps, and the separation and transition process began on 10 September with the separation of 13 children under 15 years old.

47. The Early Warning System of the Office of the Ombudsman issued timely and quality risk alerts for communities, including for children. However, as indicated by the Working Group of the Security Council on children and armed conflict in its conclusions on Colombia (see S/AC.51/2012/4, para. 10 (b) and (h)), coordination of the institutional response to these alerts could be improved in order to adequately address children's needs.

Reintegration

48. The Colombian Family Welfare Institute continued to implement a programme for the protection and reintegration of children separated from armed groups, including post-demobilization groups. Since its establishment in 1999 until July 2016, the Institute had assisted a total of 6,035 children. During the reporting period, 1,310 children joined the programme.

49. According to the principles enumerated in the May 2016 agreement on children, children formally demobilized and separated from FARC-EP will receive reintegration care under the specifically designed protocol and special reintegration programme. At the time of writing, in September 2016, the first group of children had been separated and received by UNICEF and its partners. Collaboration will continue to ensure the separation of all children, in compliance with respect for the principles of the best interest of the child and their primacy as victims, as enshrined in both national and international legislation.

50. In many cases in the past, there was a difference in the treatment of children separated from armed groups such as FARC-EP and ELN and of those separated from post-demobilization groups and other armed groups. In some cases, children were referred to the Office of the Attorney General for their association with post-demobilization groups which were considered as "criminal gangs", without benefiting from reintegration assistance. However, in 2012, the Constitutional Court stated that forcibly displaced victims of the armed conflict were not solely victims of specific armed groups, but rather all armed groups (see order C-781/2012). Also, in February 2016, the Constitutional Court confirmed that all children demobilized

from armed groups, including those recruited by post-demobilization groups, should be included as victims under Law 1448 (2011) on victims' rights and land restitution, thereby ensuring inclusiveness and equality of treatment for children formerly associated with any non-State armed groups.

Justice for victims

51. Since the adoption of Law 1448 (2011), activities have centred on the creation of institutional structures, including UARIV, the Land Restitution Unit, the National Centre for Historical Memory, the National Protection Unit and the specialized judges and magistrates for restitution. UARIV deployed local focal points and developed tools for individual and collective reparation measurements. At the local level, technical subcommittees were created with a view to better assessing and responding to victims' needs through improved coordination between national and local authorities and victims' representatives.

52. In line with the latest conclusions of the Working Group of the Security Council on children and armed conflict, which emphasized the importance of enhancing victim-centred approaches, progress was also made in terms of victim registration, land restitution, financial compensation and victim participation. Efforts were concentrated on the formulation of contingency, prevention and reparation plans, which have been only partially implemented. In addition to ongoing challenges such as the large number of registered victims and continued armed conflict in parts of the country, the sparse presence of UARIV and other State institutions in rural and most-affected areas meant that several key goals were inadequately met, such as guaranteeing the rights of internally displaced persons and refugees and their access to protection services and to justice and reparations, in particular in indigenous and Afro-Colombian communities.

Sexual violence

53. Progress in the response to conflict-related sexual violence has included both institutional and legal developments. Throughout the reporting period, the Colombian authorities have been working towards the development of an inter-institutional strategy to fight impunity and promote an integrated response for victims of gender-based violence in the context of the conflict. In 2012, the Intersectoral Commission for the prevention of recruitment and use of children by non-State armed groups took on responsibilities including the prevention of sexual violence against children and, in 2013, policy guidelines were issued to guarantee the rights of women who were victims of the armed conflict (CONPES 3784).

54. Laws were adopted to put in place access to reparations, psychosocial support and free medical care for sexual violence survivors. The scope of Law 1448 (2011) was expanded to include victims targeted by the post-demobilization groups. Lastly, to address the issue of underreporting, Law 1719 (2014) on access to justice for victims of sexual violence envisioned the creation of a unified registration system for cases of violence against girls and women, taking information from several sources and State entities.

55. In the agreement on victims between the Government and FARC-EP of 15 December 2015, dedicated specific attention was given to the issue of conflict-

related sexual violence, which was also mainstreamed in the various components of the truth, justice, reparations and non-repetition system. The peace agreement provides the State with potential leverage to create an integrated policy for survivors of conflict-related sexual violence that would include health and mental health care, access to justice and combating impunity, socioeconomic reintegration and comprehensive data collection.

Mine action

56. The Directorate for Comprehensive Action against Antipersonnel Mines coordinated demining programmes throughout the reporting period which included support to victims and mine risk education initiatives. Between 2011 and 2015, mine risk education campaigns were carried out in 11 departments, reaching at least 138,234 children, family members and teachers. On 7 March 2015, the Government and FARC-EP announced a humanitarian demining agreement, which was seen as a major confidence-building measure in the peace process. This included a joint Colombian Armed Forces-FARC-EP cleaning and decontamination pilot project on antipersonnel mines and unexploded ordnance and improvised explosive devices and mine risk education in two departments (Meta and Antioquia), with the support of Norwegian People's Aid. I encourage the parties to intensify their joint humanitarian demining efforts as it is a prerequisite for children to be able to safely return to schools and for communities to regain their land, which will contribute to sustainable peace.

Combating impunity

57. In its conclusions on the situation of children and armed conflict in Colombia in 2012, the Working Group of the Security Council encouraged the Government of Colombia to enhance efforts to fight impunity for violations against children in armed conflict by investigating cases and prosecuting perpetrators. During the reporting period, there were 92 convictions for child recruitment. With the adoption of the Justice and Peace Law in 2005, a special prosecution model was established for demobilized members of the paramilitary groups, which excluded children formerly associated with them. By April 2016, 158 former paramilitaries had been sentenced under this law.

58. Moreover, under the agreement on Victims of 15 December 2015, the recruitment of children under 15 and sexual violence cannot be subject to amnesty.

B. Advocacy

59. When the peace negotiations with FARC-EP began in October 2012, the issue of children was absent from the agenda. As a result of advocacy efforts in different forums, including by my Special Representative for Children and Armed Conflict, with the support of the resident coordinator and UNICEF in Colombia, the issue was brought to the attention of the negotiating parties. For example, in 2013, my Special Representative advocated with the Government of Colombia and with the guarantors of the peace process for the need to include the issue of children at an early stage in the negotiations and agreements.

60. During the regional round tables organized in 2013 by the United Nations at the request of the peace commissions of the Colombian Congress and the Senate, the issues of recruitment of children and sexual violence were highlighted. The negotiating parties tasked the National University of Colombia and the United Nations to organize three regional forums and one national forum on victims, in which adolescents and young people were invited to participate and develop concrete recommendations on behalf of the direct and indirect victims of the conflict. In Havana in 2014, delegations of victims drew attention to cases of recruitment and sexual violence against children, extrajudicial execution by the military, killings and forced displacement.

61. At the invitation of the Government and FARC-EP, my Special Representative for Children and Armed Conflict met with both delegations, as well as with facilitators Cuba and Norway in May 2015 and again in October and November of the same year. On these occasions, she advocated for the end of child recruitment, the release of all children associated with FARC-EP in accordance with the best interests of the child and the treatment of children primarily as victims. She also reiterated the support of the United Nations to assist the parties in reaching an agreement on the separation and reintegration of children. These efforts resulted in the signing on 15 May 2016 in Havana of the agreement on the separation of children under 15 from the FARC-EP camps and the commitment to prepare a road map and a special comprehensive reintegration programme.

62. At a critical time for the implementation of agreements between the Government and FARC-EP, collaboration among State entities, the United Nations and the international community have been identified as a key success factor for bringing peace and protection to the children of Colombia. This pivotal moment provides an important opportunity for a partnership to give every child the peaceful childhood he or she deserves. In this regard, guarantees of non-repetition should be implemented as a matter of priority to address the root causes of child recruitment and other grave violations committed by armed groups, including the post-demobilization groups.

V. Recommendations

63. I call upon all parties to abide by their obligations to respect human rights and international humanitarian law and, in particular, to end all grave violations against children. I urge armed groups to adopt and implement commitments to end the recruitment and use of children and immediately release all children present in their ranks.

64. I welcome the signing of an agreement between the Government of Colombia and FARC-EP for the separation and reintegration of all children associated with FARC-EP, as well as the beginning of the implementation of this agreement, with the separation of a first group of children. I encourage the negotiating parties to ensure its implementation in compliance with the guiding principles outlined in the agreement, in particular the best interests of the child and the treatment of children primarily as victims. Recalling the past inability to prevent demobilized members from being re-recruited by criminal organizations or armed groups, I urge the Government to ensure that the reintegration needs of children affected by the armed conflict are addressed as a matter of utmost priority.

65. I reiterate my full support for the peace process initiated by the Government of Colombia with FARC-EP and I commend those who have played the roles of guarantor and accompanying countries for their leadership and contribution to achieving peace in Colombia. I call on the international community to continue to provide political and financial support to Colombian peacebuilding initiatives and the implementation of the peace agreements, with particular attention to the impact on children affected by the conflict in remote areas and in Afro-Colombian and indigenous communities.

66. I welcome the announcement of the road map for the peace talks with ELN and I urge the negotiating parties to begin the formal dialogue as soon as possible. I also call on the negotiating parties and facilitators to consider the issue of children in the early stages of the peace process in order to ensure the adoption of specific commitments for the protection of children ahead of the demobilization phase. The United Nations stands ready to provide support, in particular with regard to addressing the needs of children separated from armed groups.

67. I commend the progress that the Government of Colombia has made in preventing and responding to the recruitment and use of children. I urge the Government to take into account the findings of its evaluation of CONPES 3673, carried out in 2015, which highlighted persistent gaps and challenges in terms of coordination, budget and lack of measurable and sustainable impact at local levels. In this regard, I welcome the creation of the Colombia in Peace Fund through CONPES 3850 (2015), to improve funding of local peace initiatives.

68. In terms of assistance to children separated from armed groups, I urge the Government to redouble its efforts to strengthen family reunification, gender-sensitive protection and care services, as well as to provide adequate support to the receiving communities to ensure successful reintegration. It is equally important to provide viable socioeconomic alternatives and psychosocial support for children at risk of joining other armed groups.

69. I welcome judgement 069 of the Constitutional Court of February 2016 to ensure that all child victims of recruitment can be included in the victims' register and receive reparations, regardless of the armed group with which they were formerly associated. However, I am concerned at the recurrent pattern of violations committed against children by post-demobilization groups and I urge the Government to continue its efforts to protect children from such groups.

70. I am concerned at the persistence of rape and other forms of sexual violence against children and I call upon all armed groups to stop such violations immediately. I also urge the Government to ensure that the military complies with the zero tolerance policy on sexual violence and to investigate, prosecute and sanction anyone found responsible for such violations.

71. I welcome the positive steps made in the area of humanitarian demining and mine risk education and I call on armed groups to end immediately and definitively the use of indiscriminate explosive devices that cause death or injury to children.

72. **With regard to transitional justice, priority should be given to the special protection needs of children as victims, but also as witnesses, and as perpetrators when associated with armed groups, through restorative justice processes and social rehabilitation, in accordance with their best interests.**

73. **Considering the linkages between displacement and violations against children, I encourage the Government to ensure a protective environment conducive to the voluntary, safe and dignified return of the displaced populations to their communities of origin by providing them with access to basic services, including education and health care.**